

REMARKS

Claims 1-11 have been examined and have been rejected under 35 U.S.C. § 102(b).

I. Preliminary Matter

On page 2 of the Office Action, the Examiner requests that in order to claim foreign priority under 35 U.S.C. § 119, the Applicant must provide a translation of the foreign priority document if not in English. This is an incorrect statement of the law. A translation is only necessary when Applicants seek to establish or prove the right to priority. While the present Applicants would be willing to undertake the expense of obtaining a translation of the priority document if the Examiner has a need for same, merely claiming priority does not require this undertaking.

Also, in the Office Action Summary, the Examiner marked that only “some” of the certified copies of priority documents have been received. Since only one foreign priority document is being claimed, and a certified copy of such document was filed on April 13, 2004, Applicant respectfully requests the Examiner, in a subsequent Office Action, to mark that “all” priority documents have been received.

II. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-11 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,297,881 to Sasayama et al. (“Sasayama”)

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a selector for comparing the flow rate signal outputted from the flow rate detector and a filter signal outputted from the filter to select the signal having a higher voltage from the flow rate signal and the filter signal as a new flow rate signal.

The Examiner refers to elements 24, 196 and 178 of Sasayama in regard to the claimed selector. Applicant submits that the output terminal 24 fails to teach or suggest the claimed selector. For example, the output terminal 24 merely outputs a voltage E_o , which is a function of the flow rate (col. 9, line 61 to col. 10, line 37). The output terminal 24 does not compare a flow rate signal output from a flow rate detector and a filter signal outputted from a filter, in order to select the signal having a higher voltage from the flow rate signal and the filter signal as a new flow rate signal, as recited in claim 1.

In regard to Figure 3 and cited elements 196 and 178, Sasayama discloses that element 196 is a CPU and element 178 is a power source terminal. However, similar to Applicant's comments above, Sasayama fails to teach or suggest that the CPU 196 and power source terminal 178 compare a flow rate signal output from a flow rate detector and a filter signal outputted from a filter, in order to select the signal having a higher voltage from the flow rate signal and the filter signal as a new flow rate signal, as recited in claim 1.

The Examiner also refers to Figure 8 of Sasayama in regard to the claimed selector. Figure 8 merely illustrates a change of the output voltage E_o with respect to the flow rate q_{am}

(col. 12, lines 40-41). The claimed comparison and selection of a signal having a higher voltage as the new flow rate signal is not taught or suggested by the figure.

In view of the above, Applicant submits that claim 1 is patentable since Sasayama at least fails to teach or suggest the claimed selector.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests that the Examiner specifically indicate where the claimed comparison and selection of a new flow rate signal are taught in Sasayama.

B. Claims 2, 3, 4 and 11

Since claims 2, 3, 4 and 11 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 5

Since claim 5 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 5 is patentable for at least analogous reasons as claim 1.

D. Claims 6, 7 and 8

Since claims 6, 7 and 8 are dependent upon claim 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

E. Claim 9

Applicant submits that claim 9 is patentable over the cited reference. For example, claim 9 recites receiving data on a throttle aperture of the internal combustion engine and data on the number of revolutions of the internal combustion engine. Whether or not the throttle aperture is equal to or larger than a set value for the throttle aperture previously set in correspondence to the number of revolutions is judged.

The Examiner refers to column 3, line 40 to column 4, line 18 of Sasayama as disclosing the above feature. However, the cited portion merely describes the components of a typical internal combustion engine. As set forth, throttles valves 114, 116 are provided in the vicinity of the outlet of the injector 112 and the throttle valve 114 is mechanically coupled with an accelerator pedal (Figure 1). Sasayama fails to teach or suggest the judging of whether a throttle aperture is equal to or larger than a set value for a throttle aperture set in correspondence to a number of revolutions, and judging the flow rate signal based on such determination, as recited in claim 9. There is absolutely no teaching in this regard. Accordingly, for at least this reason, Applicant submits that claim 9 is patentable over the cited reference.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests that the Examiner specifically indicate where the claimed “judging” is taught in Sasayama.

F. Claim 10

Applicant submits that claim 10 is patentable over the cited reference. For example, claim 10 recites receiving data on a pressure within a pipe and data on the number of revolutions of the internal combustion engine to judge whether or not the pressure is equal to or larger than a set value for the pressure previously set in correspondence to the number of revolutions.

The Examiner maintains that Sasayama discloses the above features. However, in regard to pressure, Sasayama merely teaches that a difference between a pressure in the intake pipe into which the injector injects fuel, and the fuel pressure to the injector 112, is always kept constant (col. 4, lines 18-27). There is no teaching or suggestion of judging whether or not a pressure within a pipe is equal to or larger than a set value for the pressure previously set in correspondence to a number of revolutions of the engine, as recited in claim 10. For at least this reason, Applicant submits that claim 10 is patentable over the cited reference.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests that the Examiner specifically indicate where the claimed “judging” is taught in Sasayama.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

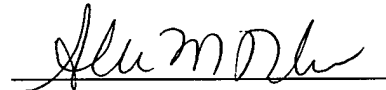
RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/822,791

Attorney Docket No.: Q80419

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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